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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/649,215	08/28/2000	Allan Lamkin	68570	7416
22242	7590	04/21/2005		
FITCH EVEN TABIN AND FLANNERY			EXAMINER	
120 SOUTH LA SALLE STREET			VU, TUAN A	
SUITE 1600				ART UNIT
CHICAGO, IL 60603-3406				PAPER NUMBER
			2193	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/649,215 Tuan A Vu	LAMKIN ET AL. Art Unit 2193
		-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
		Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 16 November 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-10 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20041018</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

1. This action is responsive to the application filed 11/16/2004.

Claims 1-10 have been submitted for examination.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tahara et al., USPN: 5,909,551 (hereinafter Tahara).

**As per claim 1,** Tahara discloses a method for combining video/audio content with programmatic content, comprising:

generating a authoring output, a representation of the video/audio content, the representation defining how the video/audio content is to be displayed (e.g. elements 2301, 2305, 2306, 2307 – Fig. 23; *display means* 507, 1006 - Fig. 10); the authoring output comprising definition of a variable ( e.g. key 1, key 2, key 3 – Fig. 25B; *KEY1.GIF*; *KEY2.GIF* - col. 17, lines 56-61)

replacing the variable with the definition for the variable (e.g. *KEY2.GIF*; *definition ...selection button .. linked to file ... INDEX.HTML, RETURN.GIF* - col. 17, line 53 to col. 18, line 8 – Note: variable KEY defined and being replaced by corresponding html page/file reads on limitation);

generating programmatic content (HTML 2306; PC 2307 – Fig. 23 );

generating an image ( Fig. 24; *image ... medium* - col. 16, lines 1-3) as a function of the programmatic content and representation of the video/audio content; and combining the image with the video/audio content (e.g. col. 16, lines 15-55).

But Tahara does not explicitly disclose selecting a source file comprising a variable; searching a source file comprising the variable prior to replacing the variable with its definition; nor does Tahara disclose generating programmatic content in response said searching. However, Tahara discloses storing source files in a directory image structure wherein each file will be replaced by means of variables (buttons actions) defined in some interactive program (e.g. Fig. 24-26; col. 17, line 53 to col. 18, line 8) and the concept of selecting the files associated with the button variables (as in embedded object, hence source file comprising a variable) to put them in directory structure is disclosed.

As for the limitation on ‘generating programmatic content in response to said searching’, Tahara discloses the file comprising the buttons variables (e.g. col. 17, lines 56-64; Fig. 27); creating programmatic content having HTML tagged fields ( e.g. IMG SRC, A HREF); combining programmatic content based on the replacing by the button-related variables with appropriate files or program executable (for reproducing interactive image) stored in the directory(e.g. Fig. 27a, 27b; col. 16, lines 48-55). Thus, the concept of searching of files comprising instructions or data associated with the interactive buttons and the file directory structure to fill the HTML tagged fields is implied. It would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the creation of HTML fields of programmatic HTML content, as shown above, so that this is created responsive to searching of files, such searching as suggested by storage in a image tree as taught by (see Fig.

23; col. 16, lines 1-3) because a search for those resources needed for resolving a markup tagged field as required by the interactive button definitions would secure appropriate mapping into the programmatic content when such HTML links/tags are interpreted and resolved ( see Tahara: Fig. 26-28) in light of the directory structure of Tahara and its intended role in the runtime interactive image reproduction (e.g. Fig. 2,10-12; Fig. 25B).

**As per claim 2,** Tahara discloses storage medium ( Fig. 23)

**As per claim 3,** Tahara discloses transmission medium ( Fig. 1, 23 – Note: hardware linking storage medium in computer reads on transmission medium)

**As per claims 5 and 6,** Tahara discloses searching at runtime (e.g. Fig. 26; *definition ...selection button ... linked to file ... INDEX.HTML, RETURN.GIF* - col. 17, line 53 to col. 18, line 8- Note: parsing HTML tags using a browser methodology reads on runtime browser)

**As per claim 7,** Tahara discloses executing a DVD being inserted (e.g. Fig. 2, 23)

**As per claim 8,** Tahara discloses a system for combining video/audio content with programmatic content, comprising means for:

replacing the variable with the definition for the variable (e.g. *KEY2.GIF; definition ...selection button .. linked to file ... INDEX.HTML, RETURN.GIF* - col. 17, line 53 to col. 18, line 8 – Note: variable KEY defined and being replaced by corresponding html page/file reads on replacing with definition of KEY);

generating programmatic content (e.g. *HTML 2306; PC 2307* – Fig. 23 ); generating an image ( Fig. 24; *image ... medium* - col. 16, lines 1-3) as a function of the programmatic content and representation of the video/audio content, the representation defining

how the video/audio content is to be displayed (e.g. elements 2301, 2305, 2306, 2307 – Fig. 23; *display means 507, 1006* - Fig. 10); and

combining the image with the video/audio content (e.g. col. 16, lines 15-55).

But Tahara does not explicitly disclose searching a source file comprising the variable prior to replacing the variable with its definition; nor does Tahara disclose generating programmatic content in response to said searching. However, this limitation has been addressed in claim 1 above.

**As per claim 9,** Tahara discloses a system for combining video/audio content with programmatic content, comprising:

a parser for replacing the variable with the definition for the variable (e.g. *KEY2.GIF; definition ...selection button .. linked to file ... INDEX.HTML, RETURN.GIF* - col. 17, line 53 to col. 18, line 8 – Note: variable KEY defined and being replaced by corresponding html page/file reads on parser limitation and replacing with definition of KEY);

an image engine for generating programmatic content (e.g. *HTML 2306; PC 2307* – Fig. 23 );

for generating an image ( Fig. 24; *image ... medium* - col. 16, lines 1-3) as a function of the programmatic content and representation of the video/audio content, the representation defining how the video/audio content is to be displayed (e.g. elements 2301, 2305, 2306, 2307 – Fig. 23; *display means 507, 1006* - Fig. 10); and

a formatter for combining the image with the video/audio content (e.g. col. 16, lines 15-55).

But Tahara does not explicitly disclose parser searching a source file comprising the variable prior to replacing the variable with its definition; nor does Tahara disclose generating programmatic content in response to said searching. However, this limitation has been addressed in claim 1 above.

**As per claim 10,** this claim is a system version of claim 1 and recites module to perform the limitations of claim 1; hence incorporates all the corresponding rejection as set forth therein.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (272) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)272-3719.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 (for non-official correspondence – please consult Examiner before using) or 703-872-9306 (for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Art Unit: 2193

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VAT  
April 6, 2005

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